

FILED

SEP 18 1995

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

78

ROGER SCHLAFLY,) Case No.: C-94-20512 SW PVT
Plaintiff,)
)
)
v.) ORDER FOLLOWING DISCOVERY
) CONFERENCE
PUBLIC KEY PARTNERS, and)
RSA DATA SECURITY, INC.,)
)
Defendants.)

)

On September 12, 1995, two expedited discovery motions came on for hearing: (1) plaintiff's motion to take written and oral depositions; and (2) defendant's motion to compel plaintiff to answer certain deposition questions. Roger Schlafly appeared pro se. Tom Hogan and Tom Moore appeared for defendants.

1. Plaintiff's Motion Re Depositions

Mr. Schlafly requested that he be allowed to depose third party inventors in the format of written deposition questions followed by oral depositions if he believed them necessary. Defendants objected that Mr. Schlafly must elect one format or the other.

Good cause appearing therefore, IT IS HEREBY ORDERED that plaintiff's motion is DENIED. Mr. Schlafly does not have an

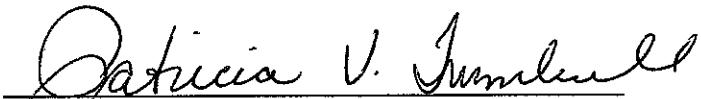
1 automatic right to take depositions both in writing and
2 orally. Mr. Schlafly may elect to take either written or oral
3 depositions. If Mr. Schlafly takes written depositions and
4 believes that follow up oral depositions are necessary, he may
5 seek a stipulation from the defendants or seek leave of court.

6 **2. Defendant's Motion to Compel**

7 During Mr. Schlafly's deposition, Mr. Hogan (representing
8 PKP) asked whether Mr. Schlafly had consulted an attorney
9 regarding interpretation of a particular document. When Mr.
10 Schlafly asserted attorney client privilege, the defendant
11 requested Mr. Schlafly be compelled to respond.

12 Good cause appearing therefore, IT IS HEREBY ORDERED that
13 defendant's motion is DENIED. Mr. Hogan may ask whether Mr.
14 Schlafly has consulted an attorney and if so, whether they
15 discussed the document at issue. However, whether Mr. Schlafly
16 discussed a "specific interpretation" of the document with an
17 attorney is subject to the protection of the privilege.

18
19 Dated: 9-12-95

20 
21 PATRÍCIA V. TRUMBULL
22 United States Magistrate Judge

1 copies mailed on 9/19/95 to:

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12

Lorraine Quibodeau

13 LORRAINE QUIBODEAU
14 Deputy Clerk